

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

409J0138

HOUSE ENGROSSED NO. **SB 85** - 02/23/2004

Introduced by: Senators Bogue, Albers, Kleven, and McCracken and Representatives Rhoden, LaRue, and Smidt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the approval of
2 airports.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 50-5-1 be amended to read as follows:

5 50-5-1. ~~All owners and operators of all airports, landing fields, air schools, and flying clubs~~
6 ~~and the owners and operators of all air beacons and other air navigation facilities shall make~~
7 ~~application~~ Any owner or operator of a public airport shall apply to the South Dakota
8 Aeronautics Commission for its approval for such ~~airports, landing fields, air schools, flying~~
9 ~~clubs, air beacons, and other air navigation facilities and the~~ public airport prior to its use. Any
10 owner or operator of a private airport located within two miles of the nearest boundary of any
11 approved public airport shall apply to the South Dakota Aeronautics Commission for approval
12 for such private airport prior to its use. The commission shall ~~immediately~~ consider and ~~pass~~
13 ~~upon such applications~~ either approve or reject an application within sixty days of receipt of the
14 completed application.

15 Section 2. That chapter 50-5 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The approval requirements of § 50-5-1 do not apply to temporary airports, landing fields,
3 or landing strips used only by aircraft while engaged in providing emergency medical services
4 or other emergency services.

5 Section 3. That § 50-1-1 be amended by adding thereto two NEW SUBDIVISIONS to read
6 as follows:

7 "Private airport," any airport, landing field, or landing strip that is open to and available for
8 use only by the owner and the owner's invitees;

9 "Public airport," any airport, landing field, or landing strip, whether publicly or privately
10 owned, that is open to and available for use by the flying public.

11 Section 4. That § 50-5-2 be repealed.

12 ~~50-5-2. All proposed airports, landing fields, air schools, flying clubs, air beacons, or other~~
13 ~~air navigation facilities shall first be approved by the Aeronautics Commission before they, or~~
14 ~~any of them, shall be so used or operated. A violation of this section is a Class 2 misdemeanor.~~

15 Section 5. That § 50-5-3 be amended to read as follows:

16 50-5-3. The Aeronautics Commission ~~is hereby authorized to~~ may issue a certificate of its
17 approval ~~in each case under~~ pursuant to § 50-5-1 ~~or 50-5-2~~ and ~~to make~~ may set a reasonable
18 charge therefor by rules ~~or regulations issued~~ promulgated pursuant to chapter 1-26.

19 Section 6. That § 50-5-4 be amended to read as follows:

20 50-5-4. It is a Class 2 misdemeanor to use or operate ~~an~~ a public airport, ~~landing field, air~~
21 ~~school, flying club, air beacon, or other air navigation facility~~ or a private airport located within
22 two miles of the nearest boundary of an approved public airport without the prior approval of
23 the Aeronautics Commission.

24 Section 7. That § 50-5-6 be amended to read as follows:

1 50-5-6. ~~In any case where~~ If the Aeronautics Commission rejects an application for
2 permission to operate or establish an airport, ~~landing field, air school, flying club, air beacon,~~
3 ~~or other air navigation facility, or in any case where~~ or if the commission ~~shall issue~~ issues any
4 order requiring certain things to be done, ~~it~~ the commission shall set forth its reasons therefor
5 and shall state the requirements to be met before such approval will be given or such order
6 modified or changed.

7 Section 8. That § 50-5-9 be amended to read as follows:

8 50-5-9. The South Dakota Aeronautics Commission ~~shall at all times maintain on file in its~~
9 ~~office a list of airport landing fields and landing strips which have been approved for public use~~
10 ~~by aircraft setting forth the legal descriptions of the real property occupied~~ and any state, county,
11 or municipal officer charged with the duty of enforcing this chapter, may inspect and examine,
12 at reasonable hours, any premises, and any building and any other structure thereon, where any
13 airport approved by the commission is operated.